IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.1143 OF 2003
IN
SUMMARY SUIT NO.3469 OF 2003

S.s.Kantilal Ishwarlal Securities P.Ltd. .. Plaintiff

Vs.

Eruch J.Mehta .. Defendant

Mr.Amit Jamsandekar for the plaintiff

Mr.Sunil Patel for i/b Rajesh Desai for the defendant

CORAM : S.U.KAMDAR, J
DATED : 23RD AUGUST, 2005

P.C.:

1. The present suit is filed on the basis of agreement between the broker and the constituent for trading in the shares. The said agreement does not provide for any liquidated sum due and payable by the defendant to the plaintiff. However, the plaintiff contends by letter dt.4.6.03. Defendant has acknowledged the liability. On perusal of the said letter dt.4.6.05, I find that there is no acknowledgment of liability. On the contrary various disputes are raised by the defendant which requires trial.

2. In view thereof, unconditional leave to defend is granted. Suit is transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.